UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION MDL No. 1456

THIS DOCUMENT RELATES TO:

BMS CLASS ACTIONS

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

NOTICE OF FILING UNDER SEAL

All Counsel of Record To:

Please take notice that on August 4, 2009, we, as attorneys for Plaintiffs, caused to be filed under seal with the Clerk of the United States District Court for the District of Massachusetts the following items:

1. Exhibit E attached to the Settlement Agreement and Release of the BMS Group.

DATED: August 4, 2009. By /s/ Steve W. Berman

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CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **NOTICE OF FILING UNDER SEAL** be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on August 4, 2009, a copy to LexisNexis File and Serve for Posting and notification to all parties.

By /s/ Steve W. Berman
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